(2)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

M.C.C. NO. 779 /2006

(Arising out of Order dated 7.9.2006
passed in First Appeal No. 184/2006)

Applicants

:1. State of Chhattisgarh through Collector, Dhamtari {Chhattisgarh)

2. The Sub-Divisional Officer, Mahanadi Reservoir, Water Management Sub Dn. No. I, Rudri, Tahsil & Distt.: Dhamtari {Chhattisgarh}

P.R. No. 3511/06
Presented by Shri Sangam Singh
dated 17/11/2006

VERSUS

Non-Applicants

Arjunram Sinha, S/o Rameshwar Sinha,
Since deceased through Legal Representatives:-

21. Gangabai Sinha, W/o Late Arjun- ram Sinha, aged about 60 years.

2. Damaodar Sinha, S/o Late Arjun-ram, aged about 43 yrs.

3. Deviprasad Sinha, S/o Late Arjun-ram, aged about 37 yrs.

4 Dhaneshwar Sinha, S/o Late Arjunram, aged about 27 yrs.

(All R/9 Village : Piperchedi, Tahsil & Distt.: Dhamtari {Chhattisgarh.}

Plaintiffs.

5 Mahesh Sahu, S/o Unknown, aged about 30 years, Amin Patwari, Miner Nali no.2, through Sub Divisional Officer, Mahanadi Reservoir, Water Management Sub Dn., Rudri, Distt.; Dhamtari {C.G.}

6. Tuluram Sahu, Pra., Arashak No.15, P.S., Arjuni, Distt.:Dhamtari (Chhattisgarh)

(3)

7. Dukhuram, S/o Chunnuram, aged about 40 yrs. Sarpanch.

8. RoopSingh,S/o Sakharm Aged about 50 years,

9. Lalitram Sinha, S/o Gaj-Ratanlal Sinha,

10. Thakur Ram, S/o Koduram, aged about 28 yrs.

11. Derharam, S/o Sukhun Kurmi,aged about 43yrs.

(No.8 to 12 R/o Village: Piperchedi, Tah.& Distt Dhamtari {C.G.}

Defendants

APPLICATION UNDER ORDER 41 RULE 19 READ WITH SECTION 151 OF THE CODE OF CIVIL PROCEDURE, 1908 FOR RESTORATION OF FIRST APPEAL BEARING NO. 184/2006 (STATE OF CHHAATTISGARH & ANOTHER VS. ARJUN RAM SINHA AND OTHERS) DISMISSED IN DEFAULT BY HON'BLE SHRI JUSTICE DHIRENDRA MISHRA BY ITS ORDER DT. 7.9.2006,

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M-C-C-No. 779/2006 **सन् 200**

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आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	23-11-2006 Shri Sanjay S. Agrawal, Advocate for the applicant/State. Heard. The applicant-State has filed this application for restoration of F.A. No. 184/2006, which has been dismissed on 9-10-2006 as per directions of this Court dated 7-9-2006 whereby two weeks time was allowed to the appellant to remove the default as pointed out vide office note dated 24-7-2006 and if the default is not removed within two weeks, there was a direction that the appeal shall be dismissed without reference to the Bench. Learned counsel for the applicant submits that the matter was wrongly listed on default as the State Government is exempted from payment of Court fee as per Notification dated 29th September, 2005. However, since this notification was not brought to the notice of the office, the matter was listed on default and this fact was also not brought to the notice of the Court 7-9-2006 and for that reason, a peremptory order was passed. Considering the reasons assigned by the counsel for the applicant, the application for restoration which is supported by an affidavit, is allowed. The First Appeal No. 184/2006 is restored to its original number. **Sd/-** **Dhirendra Mishra** **Judge**	

P.T.O.